IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTEENTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

and
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 11338 of 2005

Between:

M/s.Nava Bharat Ferro Alloys Limited, Paloncha, Khammam District rep., by its Company Secretary & Chief General Manager,
(Corporate Affairs), M.Subramanyam

..... PETITIONER

AND

1 The Commercial Tax Officer, Kothagudem.
2 The Deputy Commissioner (CT), Warangal Division, Warangal.
3 The Additional Commissioner (CT) Legal, Andhra Pradesh, Nampally, Hyderabad.
4 The Assistant Commissioner (CT)(Int.)(LTU) Warangal Division, " Warangal.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of certiorari or any other appropriate writ or order or direction quashing the order of 3rd respondent in CCT's Ref.No.LV(4)/117/005 dated 30-3-2005 and the consequential notice of the 4th respondent dated 29-4-2005 and consequently restrain the 1st respondent and 4th respondent from taking any coercive steps for recovery of the disputed tax of Rs.26,23,211/- for the year 1998-99 under APGST Act pending disposal of the appeal filed by the petitioner before the Sales Tax

Appellate Tribunal.

Counsel for the Petitioner:MR.P.SRINIVASA REDDY

Counsel for the Respondents: GP FOR COMMERCIAL TAX

The Court made the following :

ORDER: (Per the Honourable Sri Justice K.C.Bhanu)

Challenging the order of the 3rd respondent in CCT's Ref.No:LV(4)/117/005, dated 30.3.2005 and the consequential notice of the 4th respondent, dated 29.4.2005 and seeking to restrain the 1st and 4th respondents from taking any coercive steps for recovery of the disputed tax of Rs.26,23,211/- for the year 1998-99 under A.P.G.S.T. Act, the present writ petition is filed by the petitioner.

Heard the learned counsel for the petitioner and the learned G.P. for Commercial Tax.

With regard to the disputed tax, appropriate decision has to be taken by the Sales Tax Appellate Tribunal where the appeal filed by the petitioner is pending.

To safeguard the interests of both the parties, without going into the merits of the case, We feel that there shall be interim stay of collection of disputed tax subject to the condition of the petitioner depositing half of the disputed tax amount within a period of four (4) Weeks from today, pending disposal of the appeal before the Sales Tax Appellate Tribunal, failing which, the interim stay stands vacated.

With the above direction, this writ petition is disposed of. No costs.

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V.ESWARAIAH, J

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K.C.BHANU, J

DATED: 17th May, 2005.

GURC.

To

1 The Commercial Tax Officer, Kothagudem.
2 The Deputy Commissioner (CT), Warangal Division, Warangal.
3 The Additional Commissioner (CT) Legal, Andhra Pradesh, Nampally, Hyderabad.
4 The Assistant Commissioner (CT)(Int.)(LTU) Warangal Division, Warangal.

5 Two C.Cs to the G.P., for Commercial Tax, High Court Buildings, Hyderabad (OUT).

6 2 CD copies

7 1 CC to MR.SRINIVASA REDDY.